

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated July 28, 2006 has been received and its contents carefully reviewed.

Claims 1-25 are currently pending. Claim 12 is hereby amended; no claims are hereby added; no claims are hereby canceled. Support for the amendments to claim 12 can be found at least at [0039] page 11, [0043] page 12, [0047] page 14 and [0059] page 20 of Applicant's Specification. No new matter is added. Claims 1-22 are currently examined and claims 23-25 are withdrawn from consideration per Applicant's provisional election of Group I (claims 1-24 readable thereon) in the Response to Restriction Requirement dated November 14, 2005. At the outset, Applicant notes that claims 23 and 24 should have also been examined because Applicant elected Group I (claims 1-24) per the Examiner's Requirement for Restriction of September 14, 2005 in which the Examiner required restriction between two Groups of inventions, Group I (claims 1-24) and Group II (claims 23-25). Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claims 1, 3-4, 12 and 14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,609,977 (to Iwamatsu et al.)(hereinafter "Iwamatsu"). Claims 1-22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,387,484 (to Doany et al.)(hereinafter "Doany") in view of Iwamatsu.

Initially, Applicant notes an inconsistency in the rejection of at least claims 1, 3-4, 12 and 14. The Examiner alleges that claims 1-22 (which necessarily include claims 1, 3-4, 12 and 14) are rendered obvious by the combination of Doany and Iwamatsu. The Examiner also alleges that claims 1, 3-4, 12 and 14 are anticipated by Iwamatsu. An obviousness rejection in view of Iwamatsu necessarily means that Iwamatsu must lack certain elements of the claimed invention. Thus, at least claims 1, 3-4, 12 and 14 cannot therefore be anticipated by Iwamatsu.

The rejection of claims 1, 3-4, 12 and 14 is respectfully traversed and reconsideration is requested. Claims 1 and 3-4 are allowable over the cited references in that each of these claims recite a combination of elements, including for example, "a base substrate having first and second surfaces and having at least one first open portion; and a reflecting layer on the first surface of the base substrate, wherein the reflecting layer has at least one second open portion corresponding to the at least one first open portion and has a refractive index and a thickness

such that the reflecting layer totally reflects the laser beam.” None of the cited references including Iwamatsu teach or suggest at least these features of the claimed invention. In rejecting the claims, the Examiner merely states what Iwamatsu teaches but does not specifically point out how Iwamatsu allegedly renders the claimed subject matter anticipated. Furthermore, the Examiner has disregarded the limitations, “a base substrate ... having at least one first open portion ... the reflecting layer has at least one second open portion corresponding to the at least one first open portion.” None of the substrates of Iwamatsu have any openings whatsoever. MPEP §2131 clearly instructs, “To anticipate a claim, the reference must teach every element of the claim. ‘A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ... ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).” The Examiner has not met the Examiner’s burden of proving anticipation. Accordingly, the rejection of at least claims 1 and 3-4 is improper and must be withdrawn. Accordingly, claim 1 and claims 3-4, which depend either directly or indirectly upon claim 1, are allowable over the cited references.

Claims 12 and 14 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, “a base substrate having first and second surfaces and including at least an opening; and a reflecting layer on the first surface of the base substrate, wherein the reflecting layer has at least one first open portion wherein the first open portion has a shape substantially that of a micro-slit and has a refractive index and a thickness such that the reflecting layer totally reflects the laser beam.” None of the cited references including Iwamatsu teach or suggest at least these features of the claimed invention. Applicant’s arguments with respect to claims 1 and 3-4 apply equally to the instant rejection of claims 12 and 14 and will thus not be repeated herein. Accordingly, claims 12 and 14 are allowable over the cited references.

The rejection of claims 1-22 is respectfully traversed and reconsideration is requested. Claims 1-11 are allowable over the cited references in that each of these claims recite a combination of elements, including for example, “a base substrate having first and second surfaces and having at least one first open portion; and a reflecting layer on the first surface of

the base substrate, wherein the reflecting layer has at least one second open portion corresponding to the at least one first open portion and has a refractive index and a thickness such that the reflecting layer totally reflects the laser beam.” None of the cited references including Doany and Iwamatsu, singly or in any combination, teach or suggest at least these features of the claimed invention. Applicant maintains that the Examiner has not met the Examiner’s burden of *prima facie* obviousness at least because none of the cited references teach or suggest a base substrate including an opening. Accordingly, claim 1 and claims 2-11, which depend either directly or indirectly upon claim 1, are allowable over the cited references.

Claims 12-22 are allowable over the cited references in that each of these recite a combination of elements including, for example, “a base substrate having first and second surfaces and including at least an opening; and a reflecting layer on the first surface of the base substrate, wherein the reflecting layer has at least one first open portion wherein the first open portion has a shape substantially that of a micro-slit and has a refractive index and a thickness such that the reflecting layer totally reflects the laser beam.” None of the cited references including Doany or Iwamatsu, singly or in any combination, teach or suggest at least these features of the claimed invention. Applicant’s arguments with respect to claims 1-11 apply equally to the instant rejection of claims 12-22 and will thus not be repeated herein. Accordingly, claims 12 and 13-22, which depend either directly or indirectly upon claim 12, are allowable over the cited references.

Applicant believes the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37

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C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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